Amendment No. 1 to HB2041

Chumney
Signature of Sponsor

AMEND   Senate Bill No. 1939   House Bill No. 2041*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-3-305 (a) and (b) (1), are amended by deleting those subsections in their entireties and substituting instead the following new subsections (a) and (b) (1):

(a)

(1) If the mother was married at the time of either conception or birth, or anytime between conception and birth, to the natural father of the child, the name of the natural father shall be entered on the certificate and the surname of the child shall be entered on the certificate as one of the following:

(A) The surname of the natural father; or

(B) The surname of the natural father in combination with either the mother's surname or the mother's maiden surname.

(2) If the surname of the child includes the mother's surname, mother's maiden surname, or any combination of those two (2) surnames but does not include the surname of the natural father, it may be so entered, but only upon the concurrent submission of a sworn application to that effect signed by both parents who mutually agree to that surname or combination of surnames.

(3) If a surname is not chosen by the parents within the ten (10) days required for filing of the birth certificate, the father's surname shall be entered on the birth certificate as the surname of the child. Within this

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ten (10) day period, the father may file and submit a sworn statement to the hospital that states that the parents do not agree on a surname in which case the father's surname shall be entered on the birth certificate as the surname of the child

(4) If, within the first year after the child's date of birth, both the mother and the father sign and submit a sworn statement to the office of vital records that both parents wish to change the child's surname, then the office of vital records shall amend the child's birth certificate in accordance with the parents' request to change the child's surname if the chosen surname is either:

(A) The surname of the natural father;

(B) The surname of the mother;

(C) The mother's maiden surname; or

(D) Any combination of the surnames listed in (A), (B) and (C).

(5) If, within the first year after the child's date of birth, the parents cannot mutually agree on a surname, either one can submit a signed, sworn statement that acknowledges the disagreement, states the father was not available within the time allowed by law for filing of the birth certificate to participate in the choice of his child's surname, and requesting that the name be changed to the father's surname in which

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case the father's surname shall be entered on the amended birth

certificate as the surname of the child

(b)

　　　　(1) If the mother was not married at the time of either conception

or birth or between conception and birth, the name of the father shall not

be entered on the certificate of birth and all information pertaining to the

father shall be omitted, and the surname of the child shall be that of

either:

　　　　　　(A) The surname of the mother;

　　　　　　(B) The mother's maiden surname; or

　　　　　　(C) Any combination of the surnames listed in (A) or (B).

　　SECTION 2. Tennessee Code Annotated, Section 68-3-305 (d), is

amended by deleting that subsection in its entirety and substituting instead the

following new subsection:

　　　　(d) In all other cases, the surname of the child shall be either:

　　　　　　(1) The surname of the mother; or

　　　　　　(2) The mother's maiden surname; or

　　　　　　(3) Any combination of the surnames listed in (1) or (2).

　　SECTION 3. This act shall take effect upon becoming law the public welfare

requiring it.